

# WEST VIRGINIA LEGISLATURE

## 2019 REGULAR SESSION

**Introduced**

**House Bill 2470**

**FISCAL  
NOTE**

BY DELEGATES FOSTER, KESSINGER, WAXMAN, STORCH,

DEAN, FAST, MILLER, HAMRICK, HANNA, HORNBUCKLE

AND HIGGINBOTHAM

[Introduced January 17, 2019; Referred

to the Committee on Industry and Labor then

Education.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
2 designated §21-1E-1, §21-1E-2, §21-1E-3, §21-1E-4 and §21-1E-5; and to amend said  
3 code by adding thereto a new article, designated §30-1E-1, §30-1E-2, §30-1E-3 and §30-  
4 1E-4, all relating to requiring standards and procedures for recognizing career technical  
5 training acquired in public schools, apprenticeship programs and employer-sponsored  
6 training programs toward occupational testing, certification and/or licensure; establishing  
7 purpose and intent; providing definitions; requiring rules providing standards and  
8 procedures be proposed by Commissioner of Labor and by licensing boards and  
9 commissions; providing for creation of lists of existing apprenticeships, certifications and  
10 other credentials that reflect existing workforce needs and for dissemination to high school  
11 students; and requiring Commissioner of Labor rule to include guidelines for collection and  
12 dissemination in manner easily accessible to both students and their parents.

*Be it enacted by the Legislature of West Virginia:*

## **CHAPTER 21. LABOR.**

### **ARTICLE 1E. CAREER TRAINING EDUCATION AND APPRENTICESHIPS.**

#### **§21-1E-1. Declaration of purpose.**

1 The provisions of this article are intended to facilitate certification and/or licensure for  
2 workers who acquire training via career technical education provided by West Virginia public  
3 schools or an employer-sponsored training program.

#### **§21-1E-2. Definitions.**

1 As used in this article and the legislative rules promulgated pursuant to this article:  
2 “Apprenticeship program” means a plan containing all terms and conditions for the  
3 qualification, recruitment, selection, employment and training of apprentices, as required under  
4 29 CFR parts 29 and 30, including such matters as the requirement for a written apprenticeship  
5 agreement.

6       “Employer-sponsored training program” means a training program provided by a licensed  
7       employer approved in accordance with a rule promulgated by the Commissioner of Labor.

8       “License” means a valid and current license issued by the Commissioner of Labor in  
9       accordance with the provisions of this article.

10       “Career technical education” means programs of study, clusters, and pathways approved  
11       by the West Virginia Board of Education pursuant to state board policy.

**§21-1E-3. Recognition of training and apprenticeship programs.**

1       Beginning July 1, 2019, applicants for certification or licensure shall be permitted to apply  
2       training hours earned via career technical education provided by West Virginia public schools,  
3       apprenticeship programs or employer-sponsored training programs towards the requirements for  
4       certification and/or licensure in the same occupation in accordance with the standards and  
5       procedures authorized in accordance with this article.

**§21-1E-4. Career and technical education information for high school students.**

1       (a) The Department of Education shall coordinate with the Department of Labor and  
2       Workforce West Virginia to create a list of existing apprenticeship programs and employer-  
3       sponsored training programs throughout the state, as well as a list of certifications and other  
4       credentials that reflect current workforce needs, to educate and prepare high school students  
5       regarding career and technical education (CTE) opportunities and careers following graduation.

6       (b) Each county school district annually shall provide each student, beginning in the ninth  
7       grade, with the following information:

8       (1) Career and technical education programs within the district and adjoining districts; and  
9       (2) The EDGE program, established by §18-3-1 *et seq.* of this code, which provides the  
10       opportunity for the student to obtain dual credits that count toward the high school graduation  
11       requirements, as well as to count toward the student’s achievement of a certificate or Associate  
12       Degree.

13       (3) A list of apprenticeship programs and employer-sponsored training programs created

14 pursuant to §21-1E-4(a) of this code.

15 (4) A list of certificates and credentials created pursuant to §21-1E-4(a) of this code.

16 (5) Details regarding enlistment and opportunities within the armed forces, including local  
17 recruiter contact information.

#### **§21-1E-5. Rule-making authority.**

1 The Commissioner of Labor shall propose rules for legislative approval, in accordance  
2 with the provisions of §29A-3-1 et seq. of this code, for the implementation and enforcement of  
3 the provisions of this article. The rules shall provide at least the following:

4 (1) Standards and procedures for recognizing training hours acquired career technical  
5 education provided by West Virginia public schools and applying those hours to requirements for  
6 testing and/or certification and/or licensure.

7 (2) Standards and procedures for recognizing training hours acquired through employer-  
8 sponsored training programs and applying those hours to requirements for testing and/or  
9 certification and/or licensure.

10 (3) After conferring with the State Board of Education, guidelines for collection and  
11 dissemination of information collected pursuant to §21-1E-4 in a manner easily accessible to both  
12 students and their parents.

## **CHAPTER 30. PROFESSIONS AND OCCUPATIONS.**

### **ARTICLE 1E. CAREER TRAINING EDUCATION AND APPRENTICESHIPS.**

#### **§30-1E-1. Declaration of purpose.**

1 The provisions of this article are intended to facilitate certification and/or licensure for  
2 workers who acquire training via career technical education provided by West Virginia public  
3 schools or apprenticeship programs and employer-sponsored training programs.

#### **§30-1E-2. Definitions.**

1 As used in this article and the legislative rules promulgated pursuant to this article:

2        “Apprenticeship program” means a plan containing all terms and conditions for the  
3        qualification, recruitment, selection, employment and training of apprentices, as required under  
4        29 CFR parts 29 and 30, including such matters as the requirement for a written apprenticeship  
5        agreement.

6        “Employer-sponsored training program” means a training program provided by a licensed  
7        employer approved in accordance with a rule promulgated by the Commissioner of Labor.

8        “License” means a valid and current license issued by a regulatory board or commission  
9        in this chapter.

10        “Career technical education” means programs of study, clusters, and pathways approved  
11        by the West Virginia Board of Education pursuant to state board policy.

### **§30-1E-3. Recognition of training and apprenticeships.**

1        Beginning July 1, 2019, applicants for certification or licensure shall be permitted to apply  
2        training hours earned via career technical education provided by West Virginia public schools,  
3        apprenticeship programs or an employer-sponsored training program towards the requirements  
4        for certification and/or licensure in the same occupation in accordance with the standards and  
5        procedures authorized in accordance with this article.

### **§30-1E-4. Rule-making authority.**

1        The licensing boards and commissions shall propose rules for legislative approval, in  
2        accordance with the provisions of §29A-3-1 *et seq.* of this code for the implementation and  
3        enforcement of the provisions of this article. The rules shall provide at least the following:

4        (1) Standards and procedures for recognizing training hours acquired in career technical  
5        education provided by West Virginia public schools and applying those hours to requirements for  
6        testing and/or certification and/or licensure.

7        (2) Standards and procedures for recognizing training hours acquired through  
8        apprenticeship programs and employer-sponsored training programs applying those hours to  
9        requirements for testing and/or certification and/or licensure.

NOTE: The purpose of this bill is to allow training hours earned through public school education or employer-sponsored training programs to count towards an applicant's occupational certification and/or licensure.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.